EUI WORKING PAPERS IN LAW

EUI Working Paper LAW No. 94/11

'Out on the Weekend': Reflections on European Union Law in Context

FRANCIS SNYDER

European University Institute, Florence

EUROPEAN UNIVERSITY INSTITUTE, FLORENCE
DEPARTMENT OF LAW

EUI Working Paper LAW No. 94/11

'Out on the Weekend': Reflections on European Union Law in Context

FRANCIS SNYDER

BADIA FIESOLANA, SAN DOMENICO (FI)

Printed in Italy in December 1994
European University Institute
Badia Fiesolana
I – 50016 San Domenico (FI)
Italy

'OUT ON THE WEEKEND':

REFLECTIONS ON EUROPEAN UNION LAW IN CONTEXT

FRANCIS SNYDER

'OUT ON THE WEEKEND':
REFLECTIONS ON EUROPEAN UNION LAW IN CONTEXT

FRANCIS SNYDER*

I. GREETING

Logic, in this post-modern age, is problematic. Theories of linear development are even more suspect. To suggest that either is the basis of a series of scientific contributions over a long period of time makes little sense, even if one focuses solely on public manifestations of thought in writing, which are usually taken to be one's intellectual footprints. Nor is it a simple matter, even if hypothetically it were possible, to indicate with any precision one's own contribution to academic research. This is doubtless an apt subject for empirical study. But to do so with any credibility - either for oneself or one's colleagues - presupposes a degree of objectivity to which few would lay claim.

This paper is more modest. My aim is to illustrate one way of studying the law of the European Union, namely by means of a contextual approach, which places European Union law in its social, political, economic and cultural contexts. 'Studying' is shorthand for a long and continuous process of learning, expressed

---

* Professor of European Community Law, European University Institute, Florence; Professor of Law, College of Europe, Bruges; Honorary Visiting Professor of Law, University College London. The author wishes to thank Christian Joerges, Emir Lawless, Rossa Phelan, Wolf Sauter, Anne-Lise Strahtmann, William Twining, Nuno Venade, Geoffrey Wilson, Song Ying and Neil Young (who provided the title (c) Neil Young) for their contributions to this article. He alone, of course, is responsible for the contents of this article. A version of this paper is to be published in G.P. Wilson (ed) The Frontiers of Legal Knowledge (Chancery, London, 1995), a volume to celebrate the 25th anniversary of the University of Warwick Law School.

in writing of various forms. 'The law of the European Union', despite its complexity, is considerably more straightforward: here it designates the legal institutions, substantive law and legal processes of the Western European economic integration scheme encompassing the three Communities (ECSC, Euratom, EEC) established in the 1950s and their development up to and including the creation in 1993 of the European Union[1]. This paper does not pretend therefore to be objective, comprehensive or representative.

A primarily personal account of the development of European Union law in context might nevertheless be of wider interest. As yet there are relatively few contextual studies of European Union law. I have recently described these elsewhere,[2] so that another account of the development of the contextual approach to the study of European Union law or a survey of the field could easily be superfluous. A more personal view, however, may offer different insights or add a new perspective; it supplies part of the context of more academic work which is usually neglected. In addition, it may be suggested with some diffidence, my own work has been among the main contributions thus far to the contextual study of European Union law. To some extent it has established novel themes or, in the form of an academic journal, helped to create

[1] The Treaty on European Union was signed on 7 February 1992 and came into effect on 1 November 1993. For the complete text, see OJ EC [Official Journal of the European Communities], 31 August 1992, C224/1. On suggested terminology, see 'Names after Maastricht', [1994] 1 CMLR 4. Throughout this article, and for the sake of convenience, I use 'European Union' and EU to denote, not only the EU narrowly conceived, but also the three previously existing Communities: the European Community (EC), the European Coal and Steel Community (ECSC) and the European Atomic Energy Community (Euratom or EAEC). EC or EEC is used to refer specifically to the European Community, which prior to the Maastricht Treaty was known as the European Economic Community (EEC).

[2] See my 'Introduction', in each of the two volumes of Francis Snyder (ed), European Community Law: vol. I, pp xiii-xxvi, and vol. II, pp xiii-xxviii (Dartmouth, Aldershot, 'International Library of Essays in Law and Legal Theory', 1993).

at least one new institution in the field of European law in context. Instead of being limited solely to the experience of one person, it may therefore serve to some extent as a convenient shorthand for broader developments in the field.

If the delineation of the main lines of a cursus academicus is difficult, the presentation of the fruits of study and research poses its own problems. The past may re-present itself in different ways when viewed from the standpoint of the present. Two extremes of the spectrum, however, might identify a jumble of unconnected and random events, on the one hand, and the uninterrupted, if not always obvious, elaboration of a single idea, a guiding thread, on the other hand. The present case, like most, is situated between these two extremes, though the reader, not the writer, is best able to judge where.

Chronology forms a convenient skeleton. It at least has the merit of giving a structure to what otherwise might seem to be marvelously like a letter, bits and pieces, some chat. There is more to the skeleton, however, than mere chronology. Chronology by itself has no sense in the present context: it is impossible to think of a time in the past without also recalling what happened then; the two are inextricably interwoven, and inevitably each is defined at least partly in terms of the other. But identifying 'what happened' implies choices, not only expressly about level of discourse and nature of themes, but also implicitly about relationship and direction.

I propose two general themes: first, the tension between concentration and dispersion; and, second, the tension between power and relativity. Concentration means having a single or main focus; dispersion refers to disaggregation, fragmentation, perhaps even incoherence. Power involves competition,

hierarchy, domination and subordination, ideology, relations between structure and agency, and negotiation. Relativity refers to the two dimensions of time and space. If you like word games, you will recognise that these themes are intimately related; indeed, from some perspectives each can be considered to be a transformation of the other. As will be seen, these themes run through the development of my work on European Union law in context; they may also represent broader trends in the field. We can use these themes, together with chronology, to structure the discussion.

So what is the menu?

There are five courses. Let us start with an antipasto, intended to whet the appetite: a mixture of law and other social sciences should do the trick. We move on to the next course, delicately flavoured, beautifully coloured, and prepared with a light touch for the modern reader: long-term empirical anthropological and historical research, with unforeseen ramifications. The principal course[3] is today's speciality: the law of the European Union in context. Because we are among friends, we can relax and enjoy the meal and the conversation, and things we already know well can be passed over quickly. Even so, this course will occupy most of our attention. After such a repast, dessert might be too much, but something tantalising may not come amiss: hence a glance at the future. It is worth recalling, however, the caveats with which the paper began: the glance at the future does not provide a crystal ball; like the past, it is subject to chance, so much more than we usually care to admit.

---

[3] The two of the world's cuisines which are of most relevance to this article have no main course: see Marcella Hazan, The Classic Italian Cookbook (Macmillan, London, 1981), p 5; and Kenneth Lo, Chinese Food (Penguin, Harmondsworth, 1972), p 7-8.

II. ANTIPASTO

The seeds of any intellectual interest are never entirely intellectual; indeed it may be suggested that rarely are they mainly intellectual. If I had to look back to the origins of my current work, several factors stand out.[4] Superficially, and in many ways in substance, they seem far removed from the study of European Union law in context. Nevertheless, at least from this subjective viewpoint, they form part of its genealogy.

First, my father was a scientist, initially a professor of geology, then a practising geologist and later a consultant, while my mother was a part-time secondary school teacher of foreign languages, particularly French, German and Spanish. I recall my father saying once that among the reasons why he liked geology was that it was the most historical of the natural sciences; perhaps he also thought it the social science that most closely resembled the hard sciences. Taken together as individuals, and also as archetypes, my parents embodied a concern for time and space, for detailed analysis and broad comparison which I have often carried forward in my work. They also represented, of course, the tensions, conflicts and sometimes contradictions between these dimensions.

Second, at least partly because of my father's work, as a child I moved from one

[4] The method of analysis is roughly inspired by Marx's method of political economy: see Karl Marx, Grundrisse: Introduction to the Critique of Political Economy, trans. M. Nicolaus (Penguin Books, Harmondsworth, 1973), especially pp 100-108. See also Terrell Carver (trans. and ed.), Karl Marx: Texts on Method (Basil Blackwell, Oxford, 1975). For an earlier attempt to experiment with this method, see my unpublished paper, 'Vers une généalogie de la migration capitaliste: Les Jola-Banjal', presented at the International Seminar on Migration in Tropical Africa, Leiden, The Netherlands, 21-25 November 1977.

city or town to another very frequently. As an adult, I am now aware of the destructuring effects of such mobility on children. Be that as it may, in my case it also had two other possible effects, and I stress 'possible' because this is to some extent an attempt at intellectual autobiography, far removed from even the uncertain 'science' of psychology. On the one hand, frequent moving, for a child (and also an adult, but then it is perhaps easier) may be a continual consignment to being an outsider. Negatively, it can lay the foundation for a later pattern of recurrent integration and removal. Positively, it may form the basis of what one might call un regard anthropologique, an anthropological perspective, in which one instinctively brings to bear on any situation, even those in which one participates, the perspective of an outside observor[5]. On the other hand, it may be suggested that, in addition to its socio-spatial aspect, this pattern of removal and reintegration had a relativising influence. In this sense: that continually dealing with differences in geographical space and social time (for each community has its own temporality) tends to incline one toward a sense of cultural relativity.

Third, in fact, I would now go further and put these two points together: in my consciousness of my own development and work processes, I have noticed what seem to be a cycle or alternation between concentration and diffusion. By this I mean, so far as scientific work is concerned, a concentration on a specific topic, geographical area or, more precisely, task; followed by a diffusion in the sense of a proliferation or plurality of different foci which do not appear to be

[5] See, e.g., Claude Lévi-Strauss, Anthropologie structurale (Plon, Paris, 1958); Hortense Powdermaker, Stranger and Friend: The Way of an Anthropologist (Norton, New York, 1966); Laura Nader (ed), Law in Culture and Society (Aldine, Chicago, 1969).

linked by any underlying logic and together do not seem to have any coherence; followed later by concentration; and so on. If one is more or less unconscious about oneself, such an alternation can be a cause for serious concern, but with some effort to be self-conscious it may be a source of pleasure and, in any case, employed fruitfully in one's own personal and intellectual development.

Fourth, comparative research and an interest in methods of comparison have long been part of my intellectual baggage. As an undergraduate at Yale I specialised in comparative politics; as a student at Harvard Law School I concentrated mainly (in addition to the required courses) on comparative law, including law in different societies, cultures and time periods; as a Ph.D. student in Paris I participated in intensive bi-weekly seminars on comparative African land systems; during my Ph.D. and later field research in Senegal I did a good deal of reading in economic anthropology and comparative economic systems; subsequently at the beginning of my teaching career I regularly taught anthropology of law and comparative law.

The fifth and final point concerns an interest in and research on very different cultures. After my penultimate year at Yale, I was awarded a Summer Travelling Fellowship in French, which I used to carry out research in West Africa, particularly Senegal and Mali, on the origins of political parties in Mali during the 1930s and their development until independence in 1960.[6] While a law student at Harvard, I worked as a research assistant, part-time during the academic year and full-time during the summers, to Professor Jerome Cohen, the

[6] Published in revised form as One-Party Government in Mali (Yale University Press, New Haven, 1965).

founder of the study in the United States of modern Chinese law[7]; this involved not only Chinese law but also the legal systems of other East Asian countries, particularly 19th century Vietnam and 20th century Korea, as well as research in comparative and historical sociology of law. As part of my Ph.D. research and work that developed from it, I lived in a village in Senegal for more than two years.

The intellectual crunch, as I recall, came in October 1970. Having arrived at Yale Law School as one of the first three Research Fellows in the Programme on Law and Modernisation,[8] I remember looking at the mass of notes and other materials from research in Senegal, all of which then seemed to concern space categories and ritual, and asking myself, 'What does this have to do with law?'.[9] Years later, after giving a paper on my research on European Community legislative processes to an audience of English law teachers, I was surprised to be asked the same question. The contextual approach to European Union law aims to provide an answer.

---

[7] See Jerome Alan Cohen, The Criminal Process in the People's Republic of China 1949-1963: An Introduction (Harvard University Press, Cambridge, Mass., 1968); Jerome Alan Cohen, 'Introduction', in Jerome Alan Cohen (ed), Contemporary Chinese Law: Research Problems and Perspectives (Harvard University Press, Cambridge, Mass., 1970). For a recent general account, see Stanley Lubman, 'Studying Contemporary Chinese Law: Limits, Possibilities and Strategy', (1991) American Journal of Comparative Law 293.

[8] I had carried out legal and anthropological research in Africa. The other two Fellows were Tom Heller, now at the Law School and the Institute for International Studies of Stanford University, who had conducted legal and economic research in Latin America, and Marc Galanter, now at the Law School of the University of Wisconsin-Madison, who had conducted research in law and sociology in India.

[9] This conundrum was reflected in my 'A Problem of Ritual Symbolism and Social Organization among the Diola-Bandial', Yale Law School Program in Law and Modernization, Working Paper No. 2 (1971).

III. PRIMO PIATTO

After such a substantial antipasto misto, which probably amounted to more than you expected, a primo piatto might seem superfluous. For the sake of the balance and the continuity of our narrative, however, as well as to preserve the coherence of our theme, I propose to pause briefly for some delicate spring rolls. We can perhaps consider them to be a Chinese analogue of Proust's madeleines. With them, I would like to evoke more than a decade of empirical research. Though the research has long been finished, or at least what is likely to be written up has been written up, this decade was by no means an isolated period of time. Instead, it had its roots firmly in the past, and its branches and leaves spread, usually unpredictably, into the future.

Beginning with my Ph.D. field work in Senegal which started in 1969, there followed a decade of detailed empirical research on the legal and economic history of a former kingdom in southern Senegal.[10] Following the PhD fieldwork, most of the research was conducted during the period of a joint appointment in law and social science at York University in Toronto. There I taught mainly comparative law and property law at Osgoode Hall Law School and the anthropology of law in the Divison of Social Science as well as (together with Phil Gulliver) in the Graduate Faculty of Social Anthropology.

[10] The principal publication from this research, in addition to numerous articles, was Francis G. Snyder, Capitalism and Legal Change: An African Transformation (Academic Press, New York, 1981). An offshoot was Law and Population in Senegal: A Survey of Legislation (with the collaboration of M.-A. Savané) (Afrika-Studiecentrum, Leiden, 1978). These two books illustrate nicely the continuing relationship between concentration and dispersion, as well as my interest in both law and context and studies of legal doctrine.

The natural history of the Senegal project has already been published.[11] Based on a case study, the research was designed to answer two questions. What changes in legal forms occurred during the subsumption of a precapitalist society into the world economy? What relations obtained between legal forms and economic changes during this period of historical transition? The research thus was a study of relations between legal ideas and economic organisation. Here I wish to mention only some general lines of force which developed from (or were strengthened by) this work.

First, though not conceived initially in these terms, the Senegal project became increasingly historical and interdisciplinary in nature. Without seeking a causal explanation, suffice it to say that this research consolidated my concern for change and comparison through time. My interest in history did not of course begin with this research. However, some of the historical themes with which the project dealt were followed up in later research. They include the nature of culturally specific histories,[12] the relationship between law and the creation of a market economy,[13] the creation of a labour force,[14] the historical development

---

[11] See Francis G. Snyder, 'Land Law and the Transition to Capitalism: The Natural History of a Senegalese Case Study', in Robin Luckham (ed), Law and Social Enquiry: Case Studies of Research (Scandinavian Institue of African Studies, Uppsala, and International Center for Law in Development, New York, 1981), pp 76-109.

[12] See my 'Note on the Study of African Legal History', unpublished (1968), and 'The Use of Oral Data in Legal Anthropology: A Senegalese Example', (1973) 17 Journal of African Law 196.

[13] See my 'Land Law and Economic Change in Rural Senegal: Diola Pledge Transactions and Disputes', in Ian Hamnett (ed), Social Anthropology and Law (Association of Social Anthropologists Monograph No. 14) (Academic Press, London, 1977), pp 113-157, trans. as 'Le droit de la terre et le changement économique au Sénégal', in Etienne Le Roy (ed), Etudes sur le droit de la terre en Afrique Noire (Laboratoire d'Anthropologie Juridique de Paris, Paris, 1975), vol. 2, pp 1-43. See also my 'Colonialism and Legal Form: The Creation of "Customary Law" in Senegal', in C. Sumner (ed), Crime, Justice and Underdevelopment

of different state structures[15] and the ways of making sense of specific social and cultural configurations in the past and how one configuration was transformed into another.[16]

A second strand of development was comparison across space, that is, cross-societal comparisons within the same time period. This is the locus classicus of comparative law and comparative politics. It was reflected later in numerous conference papers and, more substantially, in an interest in the transplanation of legal systems. It was sustained by my continued participation, during the 1970s, in the Laboratoire d'Anthropologie Juridique de Paris.[17] However, my own

---

(Heinemann, London, 1981), pp 49-90; longer version in (1981) 19 Journal of Legal Pluralism 49.

[14] See my 'Labour Power and Legal Transformation in Senegal', (1981) 21 Review of African Political Economy 26; and my (with Douglas Hay), 'Comparisons in the Social History of Law: Labour and Crime', in Francis Snyder and Douglas Hay (eds), Labour, Law and Crime in Historical Perspective (Tavistock, London, 1987).

[15] See my 'Legal Innovation and Social Change in a Peasant Community: A Senegalese Village Police', (1978) 48 Africa 231; and Douglas Hay and Francis Snyder (eds), Policing and Prosecution in Britain, 1750-1850: Social History of the Criminal Law (Clarendon Press, Oxford, 1989).

[16] See my '"Folk Law" and Historical Transitions: Some Conceptual Issues', in A.N. Allott and G. Woodman (eds), People's Law and State Law: The Bellagio Papers (Foris Publications, Dordrecht, 1985), pp 263-274. See also Jan Vansina, 'The Use of Process Models in African History', in Jan Vansina, Raymond Mauny and L.V. Thomas (eds), The Historian in Tropical Africa (Studies presented and discussed at the Fourth International African Seminar at the University of Dakar, Senegal, 1961) (Oxford University Press for the International African Institute, London, 1964), pp 375-389.

[17] See generally my 'Anthropology, Dispute Processes and Law', (1981) 8 British Journal of Law and Society [now Journal of Law and Society] 141; reprinted in Peter Sack and Jonathan Aleck (eds), Law and Anthropology (Dartmouth [International Library of Essays in Law and Legal Theory] Aldershot, 1992; trans. in (1982) Bulletin de Liaison du Laboratoire d'Anthropologie Juridique de Paris 1; revised version published in Philip A. Thomas (ed), Law and Social Science (Dartmouth [International Library of Essays in Law and Legal Theory], Aldershot, 1995).

published research has never really dealt directly with problems of comparison or comparative law as such. Instead, it has borrowed from anthropology what Max Gluckman used to call the method of 'implicit comparison'[18].

Third, these two strands were united in a strong interest in theories of development and underdevelopment. During my research in Senegal Professor Samir Amir was the Director of the UN Institut Africain de Développement Economique et de Planification (IDEP) in Dakar. My own research and conversations with him stimulated wide reading on development theory, which by definition is concerned expressly with social and often macro-historical change and often implicitly involves comparative studies. This work resulted in a major survey of the literature, which was published in a special issue of the American journal Law and Society Review on 'Current Issues in Law and Social Science'.[19] Its concern for the nature of the state, relations between the state and the economy, relations of domination and subordination, and the interaction between national and global processes was followed up in later research.[20]

---

[18] Max Gluckman, 'Concepts in the Comparative Study of Tribal Law', in Laura Nader (ed), Law in Culture and Society (Aldine, Chicago, 1969), pp 361-362; see also Sally Falk Moore, 'Comparative Studies: Introduction', in ibid., pp 337-348, and Paul Bohannan, 'Ethnography and Comparison in Legal Anthropology', in ibid., pp 401-418.

[19] See my 'Law and Development in the Light of Dependency Theory', (1981) 14 Law and Society Review 723; reprinted as Warwick Law Working Papers, Occasional Monograph No. 1, 1980.

[20] See especially Yash Ghai, Robin Luckham and Francis Snyder (eds), The Political Economy of Law: A Third World Reader (Oxford University Press, Delhi, 1978). This book grew out of the LLM in Law in Development, of which Yash Ghai, Patrick MacAuslan and I were among the founders at the Warwick Law School during the 1980s. More recently, see my 'Integrità e frontiere del diritto europeo: Riflessioni sulla base della Politica Agricola Comune', (1994) 4 Rivista Italiana di Diritto Pubblico Comunitario 579.

A fourth element brings us back to our repast: food and agriculture. For the Senegal research I remember reading Grist on Rice[21]. The content of this book proved indispensable then, but more germane to the present purposes is the fact that its title symbolised a host of concerns. In fact, the ramification of these concerns spread energetically like so many deep roots to underlie the next two decades of my work, periodically bursting forth in published form, as if to remind me that something organic and continuous, yet often hidden from view, knit together apparently disparate endeavours. The latter include an interest in food and agricultural policy, a concern for roots in the historical sense, a method of analysis that gave special attention to filières or networks of economic relations,[22] a sensitivity to the interconnections between aspects of life, often in different parts of the globe, simply because they occurred at the same time: in other words, the diverse themes which development theorists have sometimes identified as relations between centre and periphery,[23] sociologists have approached in terms of systems theory or functionalism, and Jung called synchronicity.[24] Many if not all of these were variations on the theme of relationships: causal, systemic, symbolic, temporal and other. In my case, at the core lay the production of food - but, as we all know, food is far more than

---

[21] D.H. Grist, Rice (Longman, London, 5th ed. 1975).

[22] See Lauret, 'Sur les études de filières agro-alimentaires', (1983) 16 Economies et Sociétés, Cahiers de l'ISMEA (mai) 721.

[23] On the legal aspects, see generally my 'Law and Development in the Light of Dependency Theory', (1980) 14 Law and Society Review 723. For a recent survey, see Sammy Adelman and Abdul Paliwala (eds), Law and Crisis in the Third World (Hans Zell Publishers, London, 1993).

[24] On the last, see C.J. Jung, 'Synchronicity: An Acausal Connecting Principle' and 'On Synchronicity', in C. J. Jung, The Structure and Dynamics of the Psyche, trans. R.F.C. Hull (Routledge, London, 2nd ed. 1969, reprinted 1991), pp 417-519 and 521-523, respectively.

mere sustenance[25].

IV. SECONDO PIATTO

It should not be surprising, therefore, that food occupied so much of the next phase; in suggesting this, I have one foot outside the frame of our meal. On moving to Warwick Law School in January 1979, I started teaching European Community law as my main subject; my additional courses usually comprised law in development and socio-legal research methods and periodically included property, trusts, consumer law, and jurisprudence. After finishing the book on Senegal, I began, in the framework of my teaching duties, to read about the EC's Common Agricultural Policy (CAP). All EC lawyers know that the CAP has been for years the EC's main common policy, accounting until recently for about three-quarters of all EC legislation, judicial decisions and financial commitments. Nevertheless, it had been singularly neglected by lawyers and legal scholars, especially in England. Thanks in part to the congenial, supportive and stimulating academic community at Warwick, this came to form a central pillar of my research for the next decade.

Law of the Common Agricultural Policy[26] was written as an intellectual

---

[25] For example, see Margaret Visser, Much Depends on Dinner (McClelland and Stewart, Toronto, 1986).

[26] Sweet and Maxwell, London, 'Modern Legal Studies' series, 1985; trans. *Droit de la Politique Agricole Commune* (Economica, Paris, coll. 'Coopération et Développement', 1987), *Diritto Agrario della Comunità Europea* (Giuffrè, Milano, coll. 'Giuristi stranieri di oggi', 1990). I was pleased that it was possible for a translation of the book to be published in these two distinguished series.

experiment[27]. It was an attempt to deal in a contextual way with one of the toughest nuts of EC law, that is, one of the most legally technical, economically complex and politically intractable areas. Whether or not the book was successful is not for me to judge, but I found it one of the most stimulating and rewarding projects in which I have been involved. What excited me can be conveyed best by recalling four aspects of the book.

The first was the attempt to identify and theorise models of the EC legislative process. Dissatisfied with lawyers' concentration solely on formal procedures, I distinguished five ideal types of CAP legislative process. While two types corresponded closely to formal procedures, three others were defined more in sociological and political terms. They included 'the marathon session', 'logrolling' and 'stonewalling'. As with all ideal types, these types of legislative process do not exist as such; the adoption of EC legislation usually involves a a combination of several ideal types.[28] This simple analytical device helped me to understand why and how EC law, especially regulatory law, was initially enacted and continuously re-negotiated.

The second aspect was the analysis of controls on surplus production as a form of regulatory policy, involving distinctive economic instruments and legal

---

[27] Oddly enough, so was Capitalism and Legal Change: An African Transformation (Academic Press, New York, 1981), though in a different respect. Only in retrospect, however, have I noticed that the two books have this in common.

[28] See Law of the Common Agricultural Policy, pp 47-51. This led eventually to my 'Thinking about Interests: Legislative Process in the European Community', in June Starr and Jane Collier (eds), History and Power in the Study of Law (Cornell University Press, Ithaca, 1989), pp 168-198, of which a revised version was published as Chapter 2, '"Interests" and the Legislative Process', in my New Directions in European Community Law (Weidenfeld & Nicolson, London, 1990).

measures, especially in the context of the polycentric problem presented by the dairy sector.[29] Economic policy rather than law thus provided the point of departure. In addition, following usual EC practice (but rare among lawyers), I classified legal measures according to economic criteria, in particular whether they were intended to operate with regard to supply or to demand. Finally, my analysis identified why potential solutions to the overproduction of dairy products were so difficult to agree and to put into practice. It set out four key variables: the production of dairy products in the Member States as compared to their varying national requirements, the shares of the different Member States in total EC production; the importance of dairying in the various Member States' national economies; and the size, extent of concentration and average yield of dairy farms in the various countries. On the basis of this quantitative exercise, I concluded that, in relation to any particular legislative proposal, the different interests in the dairy sector overlap and cut across each other: they did not coalesce in favour of any policy except the status quo.

A third aspect of the book was the treatment of EC structural policy in the context of the historical internationalisation of the food and agricultural sector[30]. My conceptual framework for establishing the context drew directly, albeit unobtrusively, on my previous work in Senegal. It emphasised macro-sociological changes over a long period of time, international economic relations,

---

[29] See Law of the Common Agricultural Policy, Chapter 6, pp 122-151; on the dairy sector in particular, see especially pp 142-151. The distinction between economic instruments and legal measures was borrowed from T.C. Daintith, 'Legal Analysis of Economic Policy - I', (1982) 9 Journal of Law and Society 191.

[30] See Law of the Common Agricultural Policy, especially pp 157-159. I am very pleased now to have a PhD student at the European University Institute who, having taken up my point that the CAP lacks a coherent definition of 'agricultural holding', is elaborating the implications of this point in a stimulating and original way.

changing relations of domination and subordination within and across national borders, and the role of the state in the economy and, in particular, its use of law.

In my view, these aspects of the book represented a novel approach to EC law. They also illustrate the contextual approach. The first aspect involved an attempt to bring social science theory, in particular a concern for the development of conceptual models, to bear on EC law. The second aspect represented a first effort (for me) to think about economic regulation with regard to a polycentric, indeed inherently unsolvable problem. The third aspect was an attempt to place law in its broader historical context involving conflict, competing ideologies, and change, partly but not only through law[31].

A fourth aspect of the book was more traditional: its concern for policy. The book made some contribution to the broader debate concerning whether or not agriculture should continue to be treated as a special sector in EC law.[32] The debate is significant from the constitutional standpoint: to what extent should a specific economic sector, namely agriculture, have a special status in the EC

[31] The links between this vision and the research that led to Capitalism and Legal Change are obvious. What is not so obvious was that I found this historical and macro-sociological perspective so exciting, and still do. In the field of EC law, it was also novel.

[32] See Law of the Common Agricultural Policy, especially pp 23-24. I developed this theme further in a paper presented first at the 13th European Society for Rural Sociology in Braga, Portugal, in 1986: see 'L'agriculture et l'industrie dans le droit de la CEE', (1987) 5 Droit et Société 23, which provided the stimulus for 'The Special Legal Status of Agriculture: Assumptions and Contradictions in Economic Law', chapter 4 of my New Directions in European Community Law (Weidenfeld & Nicolson, London, 1990). Further work on this theme was presented in my Special Course at the Academy of European Law in Florence in 1991, which was published as 'The Common Agricultural Policy in the Single European Market', in Collected Courses of the Academy of European Law, 1991, Vol. II, Book 1 (Martinus Nijhoff, Dordrecht, 1992), pp 303-336.

Treaty? It is also important economically, politically, socially and financially: for example, this special constitutional status is closely related to the amount of money devoted to the CAP, as well as to why it is so difficult to reform. As stated in a later work, my view was that agriculture should no longer be recognised in EC law as an entire economic sector with a special legal status; instead, we should focus on improving the basic conditions of life and the decision-making power of disadvantaged individuals and groups.[33]

CAPLaw, as I nicknamed it, represented the culmination of a period of concentration, which had been initiated by coming to Warwick. Just as each ending is a new beginning, however, it stimulated a phase of dispersion. The next few years saw the publication of the results of a variety of quite different projects. All involved cooperation with colleagues, and some resulted in lasting friendships. Among the many fruits of the Warwick LLM in Law in Development was a set of teaching materials, which, once published, was used in many law schools throughout the world.[34] The organisation of an international and interdisciplinary conference during my period as director of the Legal Research Institute at Warwick spawned two volumes edited together with a social historian.[35] The organisation of another conference, part of a continuing

---

[33] See my 'The Special Legal Status of Agriculture: Assumptions and Contradictions in Economic Law', chapter 4 in my New Directions in European Community Law (Weidenfeld & Nicolson, London, 1990), p 145.

[34] Yash Ghai, Robin Luckham and Francis Snyder (eds), The Political Economy of Law: A Third World Reader (Oxford University Press, Delhi, 1987).

[35] Francis Snyder and Douglas Hay (eds), Labour, Law and Crime: An Historical Perspective (Tavistock, London, 1987); Douglas Hay and Francis Snyder (eds), Policing and Prosecution in Britain, 1750-1850: Essays in the Social History of the Criminal Law (Oxford University Press, Oxford, 1987).

interest in and cooperation with French universities since the 1960s, helped in a modest way to stimulate comparative law with regard to the international law of development.[36] These various projects have common themes which cannot be dealt with here; for the present purposes, they serve to illustrate a personal rhythm or cycle, as well as some of the diverging shoots of a single root.

In autumn 1987 I moved from Warwick to the Faculty of Laws, University College London. The two institutions differ greatly, but for our limited purposes the most striking contrast concerned my own mandate. UCL is a large faculty with a high degree of specialisation, and my task was simply (or not so simply, as it turned out) to teach and carry out research in EC law. In other words, the move can be seen as the beginning of a phase of concentration, an attempt to rationalise and draw together some of the numerous shoots which during the past few years had burgeoned, at times apparently without logic and coherence.

The move to UCL is so close in time, and more importantly it is so inextricably intertwined with a personal journey, that it is difficult to have a clear perspective on my work since then and whatever implications it may have had for the field of European law. A list of publications and a curriculum vitae are woefully inadequate in conveying the sense of disintegration, discovery and gradual reintegration which, for me, have been such a feature of the period since 1987. Nevertheless, the writer of an academic account may perhaps be excused for sticking to the letter of the law, even though, as in this case, he is more well

[36] See Francis Snyder and Peter Slinn (eds), The International Law of Development: Comparative Perspectives (Professional Books [now Butterworths], London, 1987).

aware than most that in life, as in law,[37] the context is determinative.

While being interviewed for the post at UCL, I was asked what my priorities were in the development of teaching and research in EC law. My reply was:

> Teaching and research on European Community law in the United Kingdom and other countries thus provide the foundation for a two-fold development. The first aspect is the continuation of certain established lines of enquiry. This includes the tradition of highly sophisticated scholarship concerning legal doctrine in fields such as European Community institutions, procedures and competition law. The second, building on this work, is the study of European Community law in its social and economic context, using insights from the political economy of law and critical theory. This development would integrate the study of European Community law more fully into the highly fruitful lines of enquiry which have marked the best legal scholarship in other fields during the past several decades.
>
> Special emphasis, in my view, needs to be given to four different themes. They are (i) institutions, rules, ideologies and processes; (ii) law, economy and society; (iii) the international political economy; and (iv) state forms and legal pluralism, including the relationship between European Community law, the law of the member states and the laws, customs and practices of local communities, firms and other organisations.[38]

Though I did not really appreciate its import at the time, this reply has served me ever since as a kind of charter. In the following paragraphs I refer to it sometimes as a research agenda, but in fact it resembled a mythological

---

[37] It should be obvious that the distinction between life and law is made here for expository purposes only.

[38] Francis Snyder, New Directions in European Community Law (Weidenfeld and Nicolson, London, 1990), p 14. This printed version differs very little in substance from my notes made in preparation for the interview. It was originally elaborated for presentation in draft form at the European Law workshop at the first Critical Legal Conference, University of Kent, Canterbury, September 1986, and then published simultaneously in (1987) 14 Journal of Law and Society 167 and in Peter Fitzpatrick and Alan Hunt (eds), Critical Legal Studies (Basil Blackwell, Oxford, 1987).

genealogy more closely than anything else.[39] Instead of being a checklist, it was a source of inspiration for later research and an intellectual marker against which it could be charted.

It may be helpful to mention some ways in which I have tried, not always consciously, to put this programmatic statement into practice. In fact, the account could stop here, for subsequent developments might be seen as simply an elaboration of this statement. This would be a considerable over-simplification, however, if only because general guidelines often do not tell us much about detailed rules or specific practices: the reader thus might go away hungry. In this specific instance, to cut the account short would neglect in particular the recent emergence of two different strands (or shoots, to continue the horticultural metaphor). One of these current projects concerns European Union constitutional law, while the other refers to European Union trade law, in particular customs law and commercial policy. Each represents a specific instance of a general theme, a particular example of the implementation of the charter. But implementation is a process with its own life and logic, distinct from the policy statements it is intended to put into practice. So also each of these shoots has its relative autonomy and special features. In addition, as in the case of policy implementation, each has been influenced decisively by its context.[40]

The process of putting programme into practice has in my view been aided by

---

[39] For a classic example of the genre, see Marcel Griaule, Dieu d'Eau: Entretiens avec Ogotemmêli (Fayard, Paris, 1966).

[40] Sometimes (and, in my view, most importantly) in ways which remain outside the scope of this account.

two factors that surfaced in 1988-89. Both might appear as substantial disruptions of the narrative so far, but in fact they shaped the next few years in profound, though unpredictable ways.

On the one hand, in the autumn of 1988 I was approached by the Law Department of the European University Institute (EUI) in Florence about the possibility of joining them. Having moved to UCL only recently, I initially declined. Eventually, however, this led to my appointment as a part-time professor of European economic law, together with Christian Joerges from Bremen, starting in September 1989. This venture proved to be incredibly stimulating, and at the time of writing it still is. The international and research-oriented environment of the EUI, based on fundamental research and postgraduate seminars, is ideal for developing a contextual approach to European Union law.[41]

On the other hand, in May 1989 I was invited to give the required course on European Community [now Union] institutions in the English-stream at the College of Europe in Bruges.[42] This challenging opportunity had, I think, two

[41] My seminars have concerned topics such as European Community law in context; European economic law; regulation in Europe after 1992; interests, policy and the law in the European Community; and constitutional law of the European Union. I have usually taught at least one seminar each year in conjunction with other colleagues from the Law Department and the Department of Social and Political Sciences. In addition, I have supervised a relatively large number of LLM dissertations and PhD theses on a broad range of topics in European Community law.

[42] Then, as now, the Bruges course in Law (then called the Law Dominant, now the Law Department) includes four compulsory courses: the law of EC (now EU) institutions (one semester), the European courts (one semester), European competition law (entire year), and European internal market law (entire year). When I started, students were required to take one semester-course and one year-course in French and one each in English.

facets. It required me to prepare a set of cases and materials and to teach a very intensive, detailed course at a high level to a relatively large group (usually about 60) of highly motivated students, which I did then and have continued to do by the so-called socratic method; though initially threatening, this rapidly proved to be very enjoyable. In addition, it quickly oriented me away from agriculture and towards EC institutions and constitutional and administrative law; this provided a solid foundation for similar teaching in London as well as for later research.

Though both postgraduate institutions with excellent students, Florence and Bruges can be viewed as representing two extremes. One is an international research institute, emphasising basic (and sometimes policy) research from a variety of perspectives, but involving full-time staff recruited on limited-term contracts and concerned only partly with European affairs. The other is a hot-house, with a rather technocratic teaching programme, dealing mainly with European issues, but with few full-time academic staff and with little research orientation until very recently. For me, concerned as I was with EC (and now EU) law, which was a core subject at both institutions, what might possibly seem to be a strange combination proved an ideal stimulus to develop and try out new approaches, ideas and materials on EU law in context. By this means and others, particularly the recruitment of students and joint research projects, I have also tried to create links between the two institutions.

The three institutions - UCL, EUI and Bruges - encouraged or at least permitted this new orientation; at the same time they were to some extent influenced by it. Gradually the EC law in context project - for in the institutional framework of the EUI it soon became a project - assumed a definite shape. My purpose

was to clarify my own ideas about how European Community was made and operated in practice. Then, using these hypotheses, I planned to explore a limited set of important themes in more detail and more systematically in order to arrive at broader theoretical generalisations. In order to do this, I envisaged a series of works: first, a book of essays, which though written for various purposes and at different times revealed in fact not only a common thread but also a clear theoretical argument; second, a collection of readings, based on a thorough search of the periodical literature and presenting the best essays so far written on EC law in context; third, a textbook or book of cases and materials on EC law, making use of the theoretical approach set forth in the book of essays; fourth, a study of the EC in the international arena; and, fifth, an empirical case study, bringing theories in other social sciences to bear on EC law.

This project and my earlier charter soon developed a complex relationship, somewhat like that of twins who are similar but not identical. This was so even though the charter was prior in time (for the most part) and thus helped to shape the project. Each was a research agenda, a framework, a skeleton, which surfaced periodically to confront, orient and (I hope) enrich the other. But the two distinct creations differed in content, level of generality and the extent to which they could be put directly into practice. Put another way, the charter identified the themes, while the project spelled out how they could be elaborated in the form of research projects and publications.

For convenience of exposition, and without distorting the actual process of research, it may be helpful to describe in more specific terms how the two were related. This may illustrate one way of doing European law in context, as well

as illuminating to some extent how the field has developed.

First, the book of essays was to deal substantively with all four elements of the charter, so as to illustrate how each element could be approached from a contextual standpoint. Its principal theoretical concern, however, was to be the relationship between institutions, rules, ideologies and processes. Second, the collection of readings was also to focus on all four elements by drawing together already published material. It was designed to exemplify work already accomplished on European law in context, to help to consolidate the contextual approach, and to provide a set of materials which could be used to supplement traditional textbooks in teaching EC law. Third, the textbook was initially conceived as dealing with all of EC law, or at least the main elements of constitutional law and administrative law (institutions) and economic and social law (substantive law). The scope proved too vast, however, in particular with the very rapid development of EC (and later EU) law in the late 1980s and early 1990s. Consequently, as described later, this book was eventually split into different parts. Fourth, the international element came to be represented mainly by a book on EU trade law, primarily customs law and commercial policy, which is now in progress.[43] As will be seen later, it also influenced other work on EC and EU external relations. Fifth, the case study was to bring all four elements together in a specific example. For this I had in fact started to gather material in 1986 while still at Warwick. The research for this project is now virtually completed, and only the writing up remains to be done.

[43] This is scheduled to be published in 1995 as Leonard Hawkes and Francis Snyder, Customs and Trade Law of the European Union (Butterworths, London, 'Commercial Laws of Europe' series).

The first of these works to be published was New Directions.[44] It set forth six simple hypotheses. First, we can understand most adequately the meaning of EC law and its operation in practice if we place legal institutions, ideas, rules and processes in their social, political, cultural and economic context. Second, the structure, function and operation of EC institutions, on the one hand, and the enactment, application and implementation of EC law are closely related. Third, the meaning of EC law and its operation in practice are the result of social processes of negotiation. Fourth, these processes of negotiation involve diverse, often conflicting perspectives or ideologies. Fifth, these ideologies are based upon different objective or subjective interests. Sixth, the social meaning of EC law and its operation in practice are almost inevitably contested, at least in important matters, and hence are often the subject of social and legal conflicts. These hypotheses provided a general methodological and theoretical statement for the development of EC/EU law in context.

The second book was a two-volume collection of readings on European Community Law.[45] As a glance at the table of contents will show, it was based squarely on the charter. It included thirty-eight articles grouped according to the following headings: Volume I: Perspectives on European Integration, Federalism and Legal Pluralism, Institutions and Ideologies, and Rules and Processes;

---

[44] New Directions in European Community Law (Weidenfeld & Nicolson, London, 'Law in Context' series, 1990). The essays in this book concerned all aspects of the charter, with one exception. Legal pluralism was omitted, for two reasons. First, I had not made up my mind how to bring the large theoretical literature on this topic to bear on EC law in the best way to exemplify a contextual approach. Second, I wanted very much to include an essay on the basic assumptions underlying the law of the Common Agricultural Policy, and chapter 4 turned out to be much longer than originally anticipated.

[45] European Community Law, 2 vols. (Dartmouth: Aldershot, 'International Library of Essays in Law and Legal Theory' series, 1993).

Volume II: Law and the Market, Social and Regional Policies, Economic and Social Regulation, and The International Political Economy. The book was the result of an exhaustive search of the English-language literature[46] in numerous disciplines on EC law. It aimed to present a set of interdisciplinary readings which exemplified what seemed to me to be the best published work on EC law in context. The research for this book proved to be a excellent method of self-education, as well as being invaluable in the preparation of teaching materials.

In the midst of preparing this second book, I moved from UCL to a full-time post at the EUI. In principle this should have facilitated the completion of this research agenda. In practice, its effects were more diffuse and, as always, less predictable. As part of the competition for the post, I was required to give a public lecture. I chose to speak on the effectiveness of EC law. In the lecture I tried to elaborate a broad social and political as well as legal concept of effectiveness and also to show how two main EC institutions, the Commission and the Court of Justice, had sought so far to ensure the effectiveness of EC law in these related senses. In addition to its intrinsic interest, the analysis highlighted certain institutional and processual - in other words, political - gaps in the EC system. It intrigued me so much that, during the following year, I devoted considerable time to writing an article on the topic.[47]

---

[46] The book was published in English. However, my 'Introduction' to each volume gives references to published work in other languages.

[47] See my 'The Effectiveness of European Community Law: Institutions, Processes, Rules and Techniques', (1993) 56 Modern Law Review 19. Parts of this paper have been reprinted in Democratic and Legal Problems in the European Community (Seminar januar 1993, IUSEF Nr. 12. Senter for Europa-rett, Universitetet i Oslo) (Universitetsforlaget AS, Oslo, 1994), pp 59-112; and in T.C. Daintith (ed), Implementation of European Community Law (Chancery, London, 1994), in press.

This in turn led to a series of related papers on institutions, rules, ideologies and processes in the EC/EU.[48] Taken together, they pursued the first theme of the charter - institutions, rules, ideologies and processes - much more deeply and more widely than I had originally intended. However, apart from being intellectually interesting in their own right, they had the merit of providing a broad foundation for my current work on EU constitutional law, and in fact forcing me to think about whether, and to what extent, the Maastricht Treaty on European Union could be viewed as a constitution. This is part of what was nominally the third book within the framework of the charter.[49] The other parts of what was to be the third book were published separately, but because of their scope they are less contextual in approach.[50]

---

[48] See my 'Zuständigkeitsverteilung', in J. Monar, N. Neuwahl and P. Noack (eds), Sachwörterbuch zur Europäischen Union (Alfred Kröner Verlag, Stuttgart, 1993), pp 381-384; 'La Incidencia del Derecho de la Comunidad Europea en la Organzacion Administrativa del Reino Unido' (with A. Le Sueur), in J. Barnes Vazquez (ed), La Comunidad Europea, La Instancia Regional y la Organizacion Administrativa de los Estados Miembros (Civitas, Madrid, 1993), pp 365-505; 'Soft Law and Institutional Practice in the European Community', in S. Martin (ed), The Construction of Europe: Essays in Honour of Emile Noël (Nijhoff, Dordrecht, 1994), pp 197-225; 'Droit, symboles et politique méditerranéenne: Réflexions sur quelques décisions récentes de la Cour de Justice Européenne', in J. Bourrinet (ed), La Méditerranée, Espace de Coopération: En l'honneur de Maurice Flory (Economica, Paris, 1994), pp 303-309; 'EMU - Metaphor for European Union? Institutions, Rules and Types of Regulation', in R. Dehousse (ed), Europe after Maastricht: An Ever Closer Union? (Law Books in Europe, München, 1994), pp 63-99; 'Institutional Development in the European Union: Some Lessons from the Third Pillar', in J. Monar and R. Morgan (eds), The Third Pillar of the Maastricht Treaty: Cooperation in the Fields of Justice and Home Affairs (European Interuniversity Press, Brussels, 1994), pp 85-95.

[49] It is intended to be published by Butterworths in the 'Law in Context' series in 1995 as Constitutional Law of the European Union.

[50] The first comprised successive editions of the Study Guide on EC Law for the University of London External LLB (University of London, London, now 3rd ed. 1994). Starting from this base, I then wrote a substantially longer book on Introduction to the Law of the European Union, which though written in English was destined specifically for translation into Chinese for publication by Peking University Press in 1994.

Since beginning to work in the field of EC law, I have always been interested in relations between EC institutional law and EC substantive law, that is, between constitutional law and economic law, or, to put it in a more general way, in relations between the characteristics of institutions and the content of decisions: not only the two separately but also how each influences the other. This was part of the rationale for the trade law book, a fourth plank in the charter programme. However, this concern also began increasingly to underlie my work on the CAP, economic regulation[51], and international economic law.[52] In turn, both of these latter strands have contributed to the development of a more general reflection on the nature of the EU and its law.[53] They have also

---

[51] See 'Europe after 1992: New Regulatory Strategies (with R. Dehousse, C. Joerges and G. Majone and with the collaboration of M. Everson), EUI Working Paper Law No. 92/31 (1992), which was initially presented to the High Level Group ['the Sutherland Commission'] appointed by the European Commission to consider 'The Future of the Internal Market'; see also 'A Regulatory Framework for Foodstuffs in the Internal Market (Report on the Conference, 6-7 May 1993, Florence, organised by Francis Snyder), EUI Working Paper LAW No. 94/4 (1994).

[52] On the former, see my The Common Agricultural Policy of the European Economic Community (Butterworths, London, 1990; reprinted from 1(2) Halsbury's Laws of England (4th ed. reissue, 1990) and especially 'The Common Agricultural Policy in the Single European Market', in Collected Courses of the Academy of European Law 1991, Vol. II Book 1 (Nijhoff, Dordrecht, 1992), pp 303-336. On the latter, see my 'The European Community's New Food Aid Legislation: Towards a Development Policy?, chapter 5 of New Directions but originally published in Francis Snyder and Peter Slinn (eds), The International Law of Development: Comparative Perspectives (Professional Books [now Butterworths], London, 1987); 'European Community Law and Third World Food Entitlements', (1989) 32 German Yearbook of International Law 87, translated into Russian as 'Pravo Evropeiskogo soobshchestva i prodol 'stvennaia politika stran 'tret'ego mira', in G.M. Danilenko and N.A. Ushakov (eds), Mezhdunarodnoe pravo: sovetskii i angliiskii podkhody (Institute of State and Law, USSR Academy of Sciences, Moscow, 1989); and 'European Community Law and International Economic Relations: The Saga of Thai Manioc', in R. St.J. Macdonald (ed), Essays in Honour of Wang Tieya (Nijhoff, Dordrecht, 1993), pp 753-769.

[53] See also my 'EMU - Metaphor for European Union?', already mentioned; 'L'Economia mista e la nuova costituzione economica dell'Unione Europea', in F. Merloni (ed), Quaderno sull'economia mista, oggi (Il Mulino, Bologna, 1994); and 'Integrità e frontiere del diritto europeo: Riflessioni sulla base della Politica Agricola Comune', (1994) 4 Rivista Italiana di

helped to bring a new perspective on what will eventually be the fifth plank, the empirical case study still in progress on the making of the sheepmeat regime, an example of EC regulatory law.[54]

IV DOLCE

After this repast, dessert might be too much, but something tantalising may not come amiss: hence a glance at the future. The kaleidoscope appears to crystallise around three main points.

The first point is the completion of the research agenda presaged by the charter. In addition to the case study, the main priority is the book on EU constitutional law. It is intended to arrive at an understanding and reinterpretation of EU constitutional law in various contexts.

The starting point is the idea of the Maastricht Treaty on European Union as the EU's written constitution. Due to be revised in 1996, the Treaty attempts to integrate diverse conceptions of the future of Western Europe. It also provides the basis for current and future enlargements of the EU, which themselves imply different models of EU law seen as a constitutional system. The basic hypotheses of the book, at this early stage, are two-fold. First, the EU legal system is coherent; and, second, this coherence cannot be understood adequately

---

Diritto Pubblico Comunitario 579. See also Francis Snyder (ed), Constitutional Dimensions of European Economic Integration (Nijhoff, Dordrecht, forthcoming 1995).

[54] Some aspects of this work were published in New Directions; see especially chapters 2 and 3.

in terms of neo-functionalist theories of economic integration. I plan to pay special attention to several themes: the relationship between legitimacy and effectiveness; the relationship between constitutionalism and economic and political integration; the relationship between supranationalism and intergovernmentalism, particularly in the organisation of institutions and in decision-making processes; and the use of different types of norms and forms of regulation, as well as how they are related to the distribution of power among various levels of the EU legal and political system. My research has already touched on some of these themes; this book provides an opportunity to view the EU legal system as a whole.

A second point concerns EU external relations, in particular with China. I hope to carry out research designed to analyse and monitor the developing legal relations between the EU and China.[55] The core of the project will be trade law and commercial policy, in particular concerning textiles and anti-dumping. Attention will also be given to other aspects of EC-China relations, such as the implementation of the 1985 Cooperation Agreement.

As currently envisaged, the project has several aspects. It is designed to monitor legal developments, in particular with regard to trade. In addition, it is intended to consider how these developments affect the law of each of the parties. For

[55] The initial foundation for this project was provided by several elements: my acquaintance with Chinese law studies while a student at Harvard Law School; teaching EC external relations law at UCL and Bruges; supervision at UCL and the EUI of LLM and PhD research on the treaty-making power of the EC; my research on EC external relations law, including the honour of being able to contribute to the festschift for Professor Wang Tieya, China's leading international law scholar; and preparation of the book on Introduction to the Law of the European Union for publication in Chinese translation, which includes a brief survey of relations between the EU and China.

example, on the EU side this involves the development of implied powers, the use of mixed agreements and the use of different types of legal instruments; on the Chinese side, it concerns the development of a market economy, the uniform application and transparency of trade laws, and the elaboration of different types of legal instruments in international trade. Finally, the project is intended to use the law as a learning device. This starts from the idea that changes in the content and the use of law affect the way each party views its partner, while the way each party views its partner may lead to changes in the content and use of law. The law provides a mirror of - and contributes to - changing relations between the two trading partners. The project thus represents a mutual attempt by each side to use le regard de l'autre to learn more about their own legal system, as well as about a complex and rapidly developing area of international economic law involving relations between the two major trading partners.

Both of these two projects thus are interdisciplinary, drawing not only on law but also on economics, politics, sociology and anthropology. Though similar in inspiration, the third venture is quite different in nature. It is the foundation of the European Law Journal: Review of European Law in Context (ELJ). In 1990, in my capacity as European Law Editor of the Modern Law Review, I edited a special issue of the MLR on 'New Perspectives on European Law'.[56] Subsequently I was asked by Basil Blackwell Publishers to establish a new journal concerned with European law in context. After initially refusing, I gave the matter a good deal of thought and had numerous discussions with colleagues and the prospective publishers. Eventually, with the help of friends who agreed

[56] (1990) 53 MLR [September], Special Issue: 'New Perspectives on European Law'.

to serve on the Editorial Board,[57] I decided to accept the challenge to establish the ELJ.[58]

The ELJ aims to represent (and also of course to institutionalise) a new approach to European law. Its main purposes are to express and develop the study and understanding of European law in its social, cultural, political and economic context. The future of the European Union is now on the agenda in the run-up to the 1996 Intergovernmental Conference designed to amend the Maastricht Treaty. EU law is in a phase of transformation, and substantial changes are bound to follow in teaching, research and law practice. The ELJ will be a forum for the debate on these changes. Among the themes to be given special emphasis in the ELJ are the emerging polity and legal system of the European Union, the legal and regulatory framework of the European economy, and social regulation, for example concerning consumer protection, equality law and the environment. Though its main focus will be on the EU, the journal will also concern the law of other western European groupings, the national legal systems of countries throughout Europe, and relations between western Europe and other parts of the world.

As with the creation of any new institution, the establishment of a new journal is a difficult but exciting undertaking. Since the beginning of my academic life, I have always enjoyed a very active role in the organisation and management of

[57] In addition to myself, the Editorial Board consists of Brian Bercusson, Christian Joerges, Antoine Lyon-Caen and Joseph Weiler, with Renaud Dehousse as Associate Editor and Wolf Sauter as Managing Editor.

[58] The ELJ will be based at the EUI in Florence and will be published by Basil Blackwell in Oxford. The first issue is scheduled to appear in spring 1995.

research within a faculty or in the university as a whole. The creation of new journal seems, however, to be on different scale. Now, in addition to continuing my personal research, I expect to devote more time to creating an institution, fostering research networks, and encouraging research and writing in a more systematic way, especially by younger colleagues. Hence, for me the ELJ represents in many respects a significant change of direction.

V. CAFFE' OR GREEN TEA

Caffè or green tea, anyone? Perhaps this excursus cannot be summarised in any other way. I began by stating that logic and linearity were less than useful here, yet the middle course of this account centred on a research agenda or intellectual charter. For the sake of convenience and credibility, not to mention any deference which may be due to the ideology of science, I would suggest that we simply agree that this device has served its purpose. It does not of course present the whole story, but the whole story (and who knows what is the real story?) would be far too long, involve endless disagreements about what was relevant and the criteria for deciding, and end up by confusing us all about what we thought we had agreed to be the nature and aims of academic research.

As Dr Spock once remarked,[59] children seem to develop in phases which resemble the main phases of the adult life cycle but are shorter in duration. Academic research sometimes takes place in similar spurts. In addition, even though it is usually done by adults, its rhythm may often appear chaotic and

[59] I have not been able to locate the exact reference.

unpredictable, as if it were not clear whether the child or the adult were the author. It may be suggested that, at least as represented in this account, my study of EU law in context has also occurred in phases, alternating between periods of concentration and periods of dispersion. Sometimes there was a single focus; at other times fragmentation or even loss of direction seemed to prevail. In fact, both concentration and dispersion are always present, but at any particular time one aspect has usually been dominant. Though further work would be needed to confirm the point, it might be suggested that this tension is not just a feature of my own research, but also of the development of the study of EU law in context as a academic field.

In my opinion, concentration and dispersion have constantly enriched each other. If we take the genealogical method seriously, and if we focus solely on the development of my own research on EU law in context, we can see periods of dispersion as a time of searching for new themes and approaches, of attempting to gain new perspectives by ranging widely in time and space, and even of working seriously in other disciplines. By contrast, periods of concentration may be viewed as a time for seeking to bring these new perspectives to bear on EU law, of trying to see what we can learn from them with regard to specific research questions, and of attempting to develop in a more or less systematic way the study of EU law in context. It should be obvious that this working method tends inevitably to pull one in a contextual direction; interdisciplinary and comparative work, as well as the study of legal doctrine, are all part of the genealogical structure. At the same time it is important to recognise that the relationship between concentration and dispersion is more complex than simply one of tension and alternation. Each period contains the germ of the other.

In this paper I have presented a personal view. Though not necessarily representative, it may none the less provide some insights into the development of the study of EU law in context more generally. What factors have contributed most to the development of a contextual approach to European Union law? In addition to propitious institutional settings, several elements have been so important in my own work that I would not hesitate to commend them to students. A background in other disciplines is especially useful in suggesting new research questions and providing useful analytical tools in a field such as European Union law, which is often politically controversial. Work in comparative law, especially concerning radically different legal systems, societies and cultures, enables one to place European Union law in a wider framework, to identify the characteristics which it shares with other legal systems and to appreciate its distinctive features. The use of diverse research methods, in particular empirical field research and archival historical research, is indispensable in going beyond the purely doctrinal study of law. A focus on some of the most technical and complex areas of EC/EU law, combined with a concern for theoretical generalisation, ensures a constant tension between the particular and the general and between legal doctrine and theoretical explanation which can be very stimulating and productive. The highly topical nature of the subject means that one's working hypotheses are subject to comment and eventual correction in everyday life, because they touch matters which deeply concern many people.

The reader might well ask, however, 'what is meant by "law in context" and "the context of law"?'. This paper has tried to indicate some of the possible answers to this question, but its basic message may well be that the answer depends on the purpose of the question. For example, social theorists, policy-makers,

academic lawyers and lawyers in private practice or public service ask different questions and have in mind different criteria of relevance. In my view, such eclecticism is useful and, to some extent, inevitable in the development and consolidation of a new approach to the study of European Union law. Elsewhere I have drawn a sharper distinction between different ways of looking at law, legal institutions and legal processes. There I summarised the perspective of law in context as follows: 'either law is viewed from the standpoint of other disciplines, using their theories and modes of analysis; or law provides the starting point but is situated in a broader context, whether social, economic, political or cultural: both strands aim ultimately to contribute to a social theory of law'.[60] My own research so far has taken both tacks. Generalising from personal experience and some knowledge of the field, I would expect both to be developed more systematically with regard to European Union law in the future.

Some other general points may also be drawn from this personal account. My work has not been situated solely within the sociology of law, and it has certainly drawn on other disciplines in addition to sociology. But it has usually been concerned either the relationship between law and society or the role of law in society. This is a classic distinction in the sociology of law. The first conception of law in context must not be concerned only, however, with relationships of cause and effect. Some relationships are undoubtedly causal, but other, non-causal relationships may also be extremely important. As I have written elsewhere:

---

[60] See my 'Soft Law and Institutional Practice in the European Community', in Stephen Martin (ed), The Construction of Europe: Essays in Honour of Emile Noel (Kluwer, Dordrecht, 1994), at p 198.

> ..We must begin instead by recognising that in many different ways, as in numerous contexts, law is potentially - though not necessarily - significant....The most profound influences may be in fact those which are the least obvious. For example, European Community law often has clearly defined, immediately instrumental implications. In addition, however, it may also influence [social life] by allocating important decision-making powers, by expressing otherwise implicit premises about [social, economic, cultural or political relations], or by presenting a complex legal ideology of [for example] economic development or dependence.[61]

In contrast, the second conception of law in context considers that law is integral to society. Law and society are inextricably intertwined, so that it makes little sense to conceive of them as separate. Aspects of social life, such as interests for example, are embodied or crystallised in law. Conversely, law is a constituent element in virtually all social relations.

With regard to this distinction, it is important for the future of the contextual study of European Union law to bear three points in mind. First, the basic conceptual structure that is embodied in the distinction between law and society, on the one hand, and law in society, on the other hand, is not limited to sociology. It is also characteristic of studies of law which draw upon or are carried out within the framework of other disciplines, for example, economics, political science and anthropology. Second, these two alternatives are not of course the only points of departure for the study of European Union law in context; indeed they are too restrictive. Other contextual approaches are likely to be equally if not more fruitful in the future. For the most part, however, they

---

[61] This paragraph is based on my 'European Community Law and Third World Food Entitlements', (1989) 32 German Yearbook of International Law 87 at pp 109-110. See also my New Directions in European Community Law (Weidenfeld & Nicolson, London, 1990), p 3.

remain yet to be explored.[62] Third, any of these methods may - but does not necessarily - involve empirical research. In other words, I do not consider empirical research to be a defining characteristic of the study of European Union law in context. Naturally it has an important role to play, but it is not a necessary element in all research which falls within or can contribute to this field.

One may also ask how a contextual approach to the study of European Union law has opened up new areas of scholarship or helped to redraw conceptual boundaries. The answer is three-fold.

First, the study of European Union law in context has raised issues and identified relationships which have often been neglected by lawyers concerned only with legal doctrine. For example, they include the co-existence of conflicting ideologies of competition in European Community law, relationships between law and legitimacy in the political and social sense, law as an expression of different types of economic and political integration, and law as an embodiment of different interests and as an expression of diverse cultures within the European Union.

---

[62] This paragraph is based on my (with Douglas Hay), 'Comparisons in the Social History of Law: Labour and Crime', in our (ed), Labour, Law and Crime: An Historical Perspective (Tavistock, London, 1987), pp 9-11; David Nelken, 'Beyond the Study of "Law and Society"? Henry's Private Justice and O'Hagan's The End of Law', (1986) 11 American Bar Foundation Research Journal pp 323-338; and Boaventura de Sousa Santos, 'Law: A Map of Misreading. Towards a Postmodern Conception of Law', (1987) 14 Journal of Law and Society 279. See also Massimo La Torre, 'Formalism and Anti-Formalism in Modern Law - State Law and Beyond', in Werner Krawietz, Neil MacCormick and Georg Henrik von Wright (eds), Prescriptive Formality and Normative Rationality in Modern Legal Systems (Duncker & Humbolt, Berlin, 1994), pp 647-672.

Second, the contextual study of EC/EU law has helped to redraw boundaries within the academic world so that, in particular, they extend beyond the world of legal scholars. They also encompass academic specialists in other disciplines besides law.

Third, the issues which have been raised and addressed by contextual studies on EC/EU law are far from being of interest only to academic researchers and scholars. In spite of misconceptions which are sometimes held by various national legal professions, the contextual study of EC/EU law is of interest not only to academics but also to practising lawyers, policy-makers, politicians, interest organisations and ordinary citizens.

Ultimately, in the study of European Union law in context, as with a good meal, the proof of the pudding lies in the eating. We have skipped a heavy dessert, but one might point not only to publications and courses but also to colleagues, publishers and especially one's students as appropriate subjects for empirical enquiry. They indicate the extent to which the contextual approach has already made a mark in the study of European Union law, as well as the extent to which it is likely to develop in the future.

REFERENCES

Adelman, Sammy and Paliwala, Abdul (eds). 1993. Law and Crisis in the Third World (Hans Zell Publishers, London).

Bohannan, Paul. 1969. 'Ethnography and Comparison in Legal Anthropology', Laura Nader (ed), Law in Culture and Society (Aldine, Chicago), pp 401-418.

Carver, Terrell (trans. and ed.). 1975. Karl Marx: Texts on Method (Basil Blackwell, Oxford).

Cohen, Jerome Alan. 1968. The Criminal Process in the People's Republic of China (Harvard University Press, Cambridge, Mass.).

Cohen, Jerome Alan. 1970. 'Introduction', in Jerome Alan Cohen (ed), Contemporary Chinese Law: Research Problems and Perspectives (Harvard University Press, Cambridge, Mass.).

Daintith, T.C. 1982. 'Legal Analysis of Economic Policy - I', 9 Journal of Law and Society 191.

Dehousse, R., C. Joerges, G. Majone and F. Snyder (with the collaboration of M. Everson)'Europe after 1992: New Regulatory Strategies (EUI Working Paper Law No. 92/31 (1992)

Ghai, Yash, Robin Luckham and Francis Snyder (eds), The Political Economy of Law: A Third World Reader (Oxford University Press, Delhi, 1978)

Gluckman, Max. 1969. 'Concepts in the Comparative Study of Tribal Law', in Laura Nader (ed), Law in Culture and Society (Aldine, Chicago), pp 361-362.

Griaule, Marcel. 1966. Dieu d'Eau: Entretiens avec Ogotemmêli (Fayard, Paris).

Grist, D.H. 1975. Rice (Longman, London, 5th ed.)

Hazan, Marcella. 1981. The Classic Italian Cookbook (Macmillan, London).

Hawkes, Leonard and Francis Snyder, Customs and Trade Law of the European Union (Butterworths, London, 'Commercial Laws of Europe' series, forthcoming 1995).

Hay, Douglas, and Francis Snyder (eds). 1989. Policing and Prosecution in Britain, 1750-1850: Essays in the Social History of the Criminal Law (Clarendon Press, Oxford).

Jung, C.J. 1969. 'On Synchronicity', in C. J. Jung, The Structure and Dynamics of the Psyche, trans. R.F.C. Hull (Routledge, London, 2nd ed. 1969, reprinted 1991), pp 521-523.

Jung, C.J. 1969. 'Synchronicity: An Acausal Connecting Principle', in C. J. Jung, The Structure and Dynamics of the Psyche, trans. R.F.C. Hull (Routledge, London, 2nd ed. 1969, reprinted 1991), pp 417-519.

La Torre, Massino. 1994. 'Formalism and Anti-Formalism in Modern Law - State Law and Beyond', in Werner Krawietz, Neil MacCormick and Georg Henrik von Wright (eds), Prescriptive Formality and Normative Rationality in Modern Legal Systems (Duncker & Humbolt, Berlin), pp 647-672.

Lauret, F. 1983. 'Sur les études de filières agro-alimentaires', 16 Economies et Sociétés, Cahiers de l'ISMEA (mai) 721.

Lévi-Strauss, Claude. 1958. Anthropologie structurale (Plon, Paris).

Lo, Kenneth. 1972. Chinese Food (Penguin, Harmondsworth).

Lubman, Stanley. 1991. 'Studying Contemporary Chinese Law: Limits, Possibilities and Strategy', American Journal of Comparative Law 293.

Marx, Karl. 1973. Grundrisse: Introduction to the Critique of Political Economy, trans. M. Nicolaus (Penguin Books, Harmondsworth).

Moore, Sally Falk. 1969. 'Comparative Studies: Introduction', in Laura Nader (ed), Law in Culture and Society (Aldine, Chicago), pp 337-348.

Nader, Laura (ed). 1969. Law in Culture and Society (Aldine, Chicago).

Nelken, David. 1986. 'Beyond the Study of "Law and Society"? Henry's Private Justice and O'Hagan's The End of Law', 11 American Bar Foundation Research Journal pp 323-338

Powdermaker, Hortense. 1966. Stranger and Friend: The Way of an Anthropologist (Norton, New York).

Santos, Boaventura de Sousa. 1987. 'Law: A Map of Misreading. Towards a Postmodern Conception of Law', 14 Journal of Law and Society 279.

Snyder, Francis Gregory. 1965. One-Party Government in Mali (Yale University Press, New Haven).

Snyder, Francis G. 1968. 'Note on the Study of African Legal History', unpublished paper.

Snyder, Francis G. 1971. 'A Problem of Ritual Symbolism and Social Organization among the Diola-Bandial', Yale Law School Program in Law and Modernization, Working Paper No. 2.

Snyder, Francis G. 1973. 'The Use of Oral Data in Legal Anthropology: A Senegalese Example', 17 Journal of African Law 196.

Snyder, Francis G. 1977a. 'Land Law and Economic Change in Rural Senegal: Diola Pledge Transactions and Disputes', in Ian Hamnett (ed), Social Anthropology and Law (Association of Social Anthropologists Monograph No. 14) (Academic Press, London), pp 113-157, trans. as 'Le droit de la terre et le changement économique au Sénégal', in Etienne Le Roy (ed), Etudes sur le droit de la terre en Afrique Noire (Laboratoire d'Anthropologie Juridique de Paris, Paris, 1975), vol. 2, pp 1-43.

Snyder, Francis G. 1977b. 'Vers une généalogie de la migration capitaliste: Les Jola-Banjal', presented at the International Seminar on Migration in Tropical Africa, Leiden, The Netherlands, 21-25 November 1977.

Snyder, Francis G. (with the collaboration of M.-A. Savané). 1978a. Law and Population in Senegal: A Survey of Legislation (Afrika-Studiecentrum, Leiden).

Snyder, Francis. 1978b. 'Legal Innovation and Social Change in a Peasant Community: A Senegalese Village Police', 48 Africa 231.

Snyder, Francis G. 1981. 'Anthropology, Dispute Processes and Law', 8 British Journal of Law and Society [now Journal of Law and Society] 141; trans. in (1982) Bulletin de Liaison du Laboratoire d'Anthropologie Juridique de Paris 1; reprinted in Peter Sack and Jonathan Aleck (eds), Law and Anthropology (Dartmouth [International Library of Essays in Law and Legal Theory] Aldershot, 1992; revised version published in Philip A. Thomas (ed), Law and

Social Science (Dartmouth [International Library of Essays in Law and Legal Theory], Aldershot, 1995).

Snyder, Francis G. 1981a. Capitalism and Legal Change: An African Transformation (Academic Press, New York).

Snyder, Francis G. 1981b. 'Colonialism and Legal Form: The Creation of "Customary Law" in Senegal', in C. Sumner (ed), Crime, Justice and Underdevelopment (Heinemann, London), pp 49-90; longer version in (1981) 19 Journal of Legal Pluralism 49.

Snyder, Francis G. 1981c. 'Labour Power and Legal Transformation in Senegal', 21 Review of African Political Economy 26;

Snyder, Francis G. 1981d. 'Land Law and the Transition to Capitalism: The Natural History of a Senegalese Case Study', in Robin Luckham (ed), Law and Social Enquiry: Case Studies of Research (Scandinavian Institue of African Studies, Uppsala, and International Center for Law in Development, New York), pp 76-109.

Snyder, Francis G. 1981e. 'Law and Development in the Light of Dependency Theory', 14 Law and Society Review 723; reprinted as Warwick Law Working Papers, Occasional Monograph No. 1, 1980.

Snyder, Francis G. 1985a. '"Folk Law" and Historical Transitions: Some Conceptual Issues', in A.N. Allott and G. Woodman (eds), People's Law and State Law: The Bellagio Papers (Foris Publications, Dordrecht), pp 263-274.

Snyder, Francis G. 1985b. Law of the Common Agricultural Policy (Sweet and Maxwell, London, 'Modern Legal Studies' series; trans. Droit de la Politique Agricole Commune (Economica, Paris, coll. 'Coopération et Développement', 1987); trans. Diritto Agrario della Comunità Europea (Giuffrè, Milano, coll. 'Giuristi stranieri di oggi', 1990).

Snyder, Francis G. 1987a. 'L'agriculture et l'industrie dans le droit de la CEE', 5 Droit et Société 23.

Snyder, Francis G. 1987b. 'New Directions in European Community Law', (1987) 14 Journal of Law and Society 167; reprinted in Peter Fitzpatrick and Alan Hunt (eds), Critical Legal Studies (Basil Blackwell, Oxford, 1987).

Snyder, Francis G. 1987c. 'The European Community's New Food Aid Legislation: Towards a Development Policy?' in Francis Snyder and Peter Slinn (eds), The International Law of Development: Comparative Perspectives (Professional Books [now Butterworths], London).

Snyder, Francis G. 1989a. 'European Community Law and Third World Food Entitlements', 32 German Yearbook of International Law 87, translated into Russian as 'Pravo Evropeiskogo soobshchestva i prodol 'stvennaia politika stran 'tret'ego mira', in G.M. Danilenko and N.A. Ushakov (eds), Mezhdunarodnoe pravo: sovetskii i angliiskii podkhody (Institute of State and Law, USSR Academy of Sciences, Moscow, 1989).

Snyder, Francis G. 1989b. 'Thinking about Interests: Legislative Process in the European Community', in June Starr and Jane Collier (eds), History and Power

in the Study of Law (Cornell University Press, Ithaca), pp 168-198.

Snyder, Francis G. 1990a. The Common Agricultural Policy of the European Economic Community (Butterworths, London; reprinted from 1(2) Halsbury's Laws of England (4th ed. reissue, 1990), pp 1-207.

Snyder, Francis. 1990b. New Directions in European Community Law (Weidenfeld & Nicolson, London).

Snyder, Francis (ed). 1990c. Special Issue: 'New Perspectives on European Law', 53 Modern Law Review [September].

Snyder, Francis. 1992. 'The Common Agricultural Policy in the Single European Market', in Collected Courses of the Academy of European Law 1991, Vol. II Book 1 (Nijhoff, Dordrecht, 1992), pp 303-336.

Snyder, Francis (ed). 1993a. European Community Law, two volumes. (Dartmouth: Aldershot, 'International Library of Essays in Law and Legal Theory' Series).

Snyder, Francis. 1993b. 'European Community Law and International Economic Relations: The Saga of Thai Manioc', in R. St.J. Macdonald (ed), Essays in Honour of Wang Tieya (Nijhoff, Dordrecht, 1993), pp 753-769.

Snyder, Francis. 1993c. 'Introduction', in Francis Snyder (ed), European Community Law, vol. I (Dartmouth, Aldershot, 'International Essays in Law and Legal Theory' Series, 1993), pp xiii-xxvi.

Snyder, Francis. 1993d. 'Introduction', in Francis Snyder (ed), European Community Law, vol. II (Dartmouth, Aldershot, 'International Library of Essays in Law and Legal Theory' Series, 1993), pp xiii-xxviii.

Snyder, Francis. 1993e. 'The Effectiveness of European Community Law: Institutions, Processes, Rules and Techniques', 56 Modern Law Review 19; reprinted in part in Democratic and Legal Problems in the European Community (Seminar januar 1993, IUSEF Nr. 12. Senter for Europa-rett, Universitetet i Oslo) (Universitetsforlaget AS, Oslo, 1994), pp 59-112; and in T.C. Daintith (ed), Indirect Rule: The Implementation of European Community Law in the United Kingdom (Chancery, London, 1995, in press).

Snyder, Francis. 1993f. 'Zuständigkeitsverteilung', in J. Monar, N. Neuwahl and P. Noack (eds), Sachwörterbuch zur Europäischen Union (Alfred Kröner Verlag, Stuttgart), pp 381-384.

Snyder, Francis. 1994a. 'Conclusions', in Francis Snyder (ed) A Regulatory Framework for Foodstuffs in the Internal Market (Report on the Conference, 6-7 May 1993, Florence, organised by Francis Snyder), EUI Working Paper LAW No. 94/4.

Snyder, Francis. 1994b. 'Droit, symboles et politique méditerranéenne: Réflexions sur quelques décisions récentes de la Cour de Justice Européenne', in J. Bourrinet (ed), La Méditerranée, Espace de Coopération: En l'honneur de Maurice Flory (Economica, Paris), pp 303-309.

Snyder, Francis. 1994c. 'EMU - Metaphor for European Union? Institutions,

Rules and Types of Regulation', in R. Dehousse (ed), Europe after Maastricht: An Ever Closer Union? (Law Books in Europe, München), pp 63-99.

Snyder, Francis. 1994d. 'Institutional Development in the European Union: Some Lessons from the Third Pillar', in J. Monar and R. Morgan (eds), The Third Pillar of the Maastricht Treaty: Cooperation in the Fields of Justice and Home Affairs (European Interuniversity Press, Brussels), pp 85-95.

Snyder, Francis. 1994e. 'Integrità e frontiere del diritto europeo: Riflessioni sulla base della Politica Agricola Comune', 4 Rivista Italiana di Diritto Pubblico Comunitario 579.

Snyder, Francis. 1994f. 'L'Economia mista e la nuova costituzione economica dell'Unione Europea', in F. Merloni (ed), Quaderno sull'economia mista, oggi (Il Mulino, Bologna).

Snyder, Francis. 1994g. 'Soft Law and Institutional Practice in the European Community', in Stephen Martin (ed), The Construction of Europe: Essays in Honour of Emile Noel (Kluwer, Dordrecht, 1994), pp 197-225.

Snyder, Francis. 1994h. Study Guide on EC Law (University of London, London, 3rd ed.).

Snyder, Francis (ed). 1995a. Constitutional Dimensions of European Economic Integration (Nijhoff, Dordrecht, forthcoming).

Snyder, Francis. 1995b. Constitutional Law of the European Union

(Butterworths, London, 'Law in Context' Series, forthcoming).

Snyder, Francis. 1995c. Introduction to the Law of the European Union [in Chinese; translation by Y. Song] (Peking University Press, Beijing).

Snyder, Francis G. and Douglas Hay. 1987a. 'Comparisons in the Social History of Law: Labour and Crime', in Francis Snyder and Douglas Hay (eds), Labour, Law and Crime in Historical Perspective (Tavistock, London), pp 1-41.

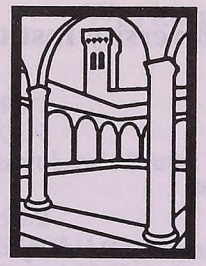
Snyder, Francis G. and Douglas Hay (eds). 1987b. Labour, Law and Crime: An Historical Perspective (Tavistock, London).

Snyder, Francis, and A. Le Sueur. 1993. 'La Incidencia del Derecho de la Comunidad Europea en la Organzacion Administrativa del Reino Unido', in J. Barnes Vazquez (ed), La Comunidad Europea, La Instancia Regional y la Organizacion Administrativa de los Estados Miembros (Civitas, Madrid), pp 365-505.

Snyder, Francis and Peter Slinn (eds). 1987. The International Law of Development: Comparative Perspectives (Professional Books [now Butterworths], London, 1987)

Vansina, Jan. 1964 'The Use of Process Models in African History', in Jan Vansina, Raymond Mauny and L.V. Thomas (eds), The Historian in Tropical Africa (Studies presented and discussed at the Fourth International African Seminar at the University of Dakar, Senegal, 1961) (Oxford University Press for the International African Institute, London), pp 375-389.

Visser, Margaret. 1986. Much Depends on Dinner (McClelland and Stewart, Toronto).



EUI WORKING PAPERS

EUI Working Papers are published and distributed by the
European University Institute, Florence

Copies can be obtained free of charge
– depending on the availability of stocks – from:

The Publications Officer
European University Institute
Badia Fiesolana
I-50016 San Domenico di Fiesole (FI)
Italy

Please use order form overleaf

Publications of the European University Institute

To

The Publications Officer
European University Institute
Badia Fiesolana
I-50016 San Domenico di Fiesole (FI) – Italy
Telefax No: +39/55/573728
E-mail: publish@datacomm.iue.it

From

Name .....
Address.....
.....
.....
.....
.....

❒ Please send me a complete list of EUI Working Papers
❒ Please send me a complete list of EUI book publications
❒ Please send me the EUI brochure Academic Year 1995/96

Please send me the following EUI Working Paper(s):

No, Author .....
Title: .....
No, Author .....
Title: .....
No, Author .....
Title: .....
No, Author .....
Title: .....

Date .....

Signature .....

Working Papers in Law

LAW No. 90/1
David NELKEN
The Truth about Law's Truth

LAW No. 90/2
Antonio CASSESE/Andrew CLAPHAM/Joseph H. H. WEILER
1992 – What are our Rights? Agenda for a Human Rights Action Plan

LAW No. 90/3
Sophie PAPAEFTHYMIOU
On a "Constructivist Epistemology of Law"

LAW No. 90/4
Joachim WÜRMELING
Legislativer Trilog im Institutionellen Dreieck der Europäischen Gemeinschaft. Das Verfahren der Zusammenarbeit nach Artikel 149 Absatz 2 EWGV.

LAW No. 90/5
Renaud DEHOUSSE
Représentation territoriale et représentation institutionnelle: réflexions sur la réforme du Sénat belge à la lumière des expériences étrangères

LAW No. 90/6
J. KORTE (ed.)/
A. E. KELLERMANN/
W. M. LEVELT-OVERMARS/
F. H. M. POSSEN
Primus Inter Pares: The European Court and National Courts.
The Follow-up by National Courts of Preliminary Rulings ex Art. 177 of the Treaty of Rome: A Report on the Situation in the Netherlands

LAW No. 90/7
Reiner GRUNDMANN
Luhmann Conservative, Luhmann Progressive

LAW No. 90/8
Bruno DE WITTE
The Integrated Mediterranean Programmes in the Context of Community Regional Policy *

LAW No. 90/9
Anne-Laurence FAROUX
Le Ministère de la Culture en France: Création et organisation

***

LAW No. 91/10
Christian JOERGES (ed.)
European Product Safety, Internal Market Policy and the New Approach to Technical Harmonisation and Standards
Vol. 1
Christian JOERGES
The Juridification of Product Safety Policy *

LAW No. 91/11
Christian JOERGES (ed.)
European Product Safety, Internal Market Policy and the New Approach to Technical Harmonisation and Standards
Vol. 2
Gert BRÜGGEMEIER/
Hans-W. MICKLITZ
Product Safety Legislation in France and in the United Kingdom *

*out of print

LAW No. 91/12
Christian JOERGES (ed.)
European Product Safety, Internal Market Policy and the New Approach to Technical Harmonisation and Standards
Vol. 3
Gert BRÜGGEMEIER/
Josef FALKE/Christian JOERGES
Product Safety Legislation in the Federal Republic of Germany and in the United States *

LAW No. 91/13
Christian JOERGES (ed.)
European Product Safety, Internal Market Policy and the New Approach to Technical Harmonisation and Standards
Vol. 4
Josef FALKE/Christian JOERGES
"Traditional" Harmonisation Policy, European Consumer Protection Programmes and the New Approach *

LAW No. 91/14
Christian JOERGES (ed.)
European Product Safety, Internal Market Policy and the New Approach to Technical Harmonisation and Standards
Vol. 5
Christian JOERGES/
Hans-W. MICKLITZ
Internal Market and Product Safety Policy *

LAW No. 91/15
Christian JOERGES
Markt ohne Staat? Die Wirtschaftsverfassung der Gemeinschaft und die Renaissance der regulativen Politik *

LAW No. 91/16
Erk Volkmar HEYEN
Systemic Interference and Social Segmentation of Scientific Legal Discourse: Some Theoretical Perspectives and Empirical Results in the Field of Continental Administrative Law

LAW No. 91/17
Andrea SCHULZ
Verfassungsrechtliche Grundlagen der auswärtigen Kulturpolitik *

LAW No. 91/18
Hans-W. MICKLITZ
Internal Legal Instruments for the Regulation and Control of the Production and Use of Chemicals and Pesticides *

LAW No. 91/19
Hans Ulrich Jessurun d'OLIVEIRA
Class Actions in Relation to Cross-Border Pollution. A Dutch Perspective *

LAW No. 91/20
Luis María DÍEZ-PICAZO/
Marie-Claire PONTHOREAU
The Constitutional Protection of Social Rights: Some Comparative Remarks

***

LAW No. 92/21
Aidan O'NEILL/Jason COPPEL
The European Court of Justice Taking Rights Seriously?

*out of print

LAW No. 92/22
Massimo LA TORRE
Linguaggio giuridico e realtà sociale. Note sulla critica realistica del concetto di diritto soggettivo

LAW No. 92/23
Renaud DEHOUSSE
Integration v. Regulation?
Social Regulation in the European Community *

LAW No. 92/24
José Engrácia ANTUNES
Le Groupe de Sociétés.
La crise du modèle légal classique de la Société Anonyme

LAW No. 92/25
Christian JOERGES
Geschichte als Nicht-Geschichte: Unterschiede und Ungleichzeitigkeiten zwischen Friedrich Kessler und der deutschen Rechtswissenschaft

***

History as Non-History:
Divergences and Time Lag between Friedrich Kessler and German Jurisprudence

LAW No. 92/26
Michael KING/Catherine KRATZ
La Notion d'Intérêt de l'Enfant en Droit: Vecteur de Coopération ou d'Interférence?

LAW 92/27
Massimo LA TORRE
A National-Socialist Jurist on Crime and Punishment - Karl Larenz and the So-Called 'Deutsche Rechtserneuerung'

LAW No 92/28
Diarmuid ROSSA PHELAN
The Application of United States and European Community Domestic Trade Laws to the Imports of Nonmarket Economy GATT Contracting Parties - A Time for Change

LAW No. 92/29
Susanne KALSS
Das Höchststimmrecht als Instrument zur Wahrung des Aktionärseinflusses

LAW No. 92/30
Massimo LA TORRE
Diritto, potere, dominio
Argomenti per una teoria non prescrittivistica del diritto

LAW No. 92/31
Renaud DEHOUSSE/Christian JOERGES/Giandomenico MAJONE/Francis SNYDER
In collaboration with Michelle EVERSON
Europe After 1992
New Regulatory Strategies *

LAW No. 92/32
Renaud DEHOUSSE
Does Subsidiarity Really Matter?

LAW No. 92/33
Diarmuid ROSSA PHELAN
"It's God we Ought to Crucify"

***

*out of print

LAW No. 93/1
Massimo LA TORRE
Reglas, instituciones, transformaciones. Consideraciones sobre el paradigma "Evolución del derecho"

LAW No. 93/2
Francis SNYDER
European Community Law and International Economic Relations: The Saga of Thai Manioc

LAW No 93/3
Aidan O'NEILL
The Government of Judges The Impact of the European Court of Justice on the Constitutional Order of the United Kingdom

LAW No. 93/4
Francis SNYDER
Law and Anthropology: A Review

LAW No. 93/5
Francis SNYDER
Soft Law and Institutional Practice in the European Community

LAW No. 93/6
Jason COPPEL
Individual Enforcement of Community Law: The Future of the *Francovich* Remedy

LAW No. 93/7
Massimo LA TORRE
Nostalgia for the Homogeneous Community: Karl Larenz and the National Socialist Theory of Contract

LAW No. 93/8
Heike GEHRKE
The Implementation of the EC Milk Quota Regulations in British, French and German Law

***

LAW No. 94/1
Yota KRAVARITOU/Sally SHELDON (eds.)
Abortion: Challenges to the Status Quo

LAW No. 94/2
Sally SHELDON
The British Abortion Act (1967) - A Permissive Reform?

LAW No. 94/3
Renaud DEHOUSSE
Comparing National and EC Law: The Problem of the Level of Analysis

LAW No. 94/4
A Regulatory Framework for Foodstuffs in the Internal Market. Report on the Conference (6-7 May 1993) organised by Francis SNYDER

LAW No. 94/5
Christian JOERGES
Rationalization Processes in Contract Law and the Law of Product Safety: Observations on the Impact of European Integration on Private Law

***

Rationalisierungsprozesse im Vertragsrecht und im Recht der Produktsicherheit: Beobachtungen zu den Folgen der Europäischen Integration für das Privatrecht

LAW No. 94/6
Francis SNYDER
Integrità e frontiere del diritto europeo: riflessioni sulla base della politica agricola comune

LAW No. 94/7
Thomas ROETHE
EG-Ausschußwesen und Risikoregulierung: Ein Problem von Handlungsstruktur und Rationalität

LAW No. 94/8
Hanne PETERSEN
On Women and Legal Forms

LAW No. 94/9
Martine SPENSKY
Mary Wollstonecraft, William Thompson: deux voix/voies vers l'égalité, 1792-1825

LAW No. 94/10
Luis María DÍEZ-PICAZO
Sources of Law in Spain: An Outline

LAW No. 94/11
Francis SNYDER
'Out on the Weekend': Reflections on European Union Law in Context